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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,151	06/01/2000	Richard B. Himmelstein	HIM-PT002.2	5239

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UNITED PLAZA, SUITE 1600  
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PHILADELPHIA, PA 19103

EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/585,151

Applicant(s)

HIMMELSTEIN, RICHARD B.

Examiner

George C Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1,2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Particularly, the title recites a device when there is no device claimed. This device is required to be removed from the title.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2-6 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 2 recites the word "activatable". There is no proper English definition for this word.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the element that executes and/or is otherwise associated with the recited data table.

Claim 1 recites "A system for accessing and retrieving information on the internet comprising: a data table..." It is not particularly pointed out where the data table is with respect to any element within the system and where the data table is executed.

8. Claims 1 and 17 recite the limitation "...each of said column being selectively definable by a column heading." It is not distinct as to what is meant by "selectively definable".

9. Claim 6 recites the limitation "...said at least one action further comprises sending a facsimile to said e-mail address or providing a voice connection to said e-mail address." It is not particularly pointed out how the actions are "activatable" when performed in relation to the stored information within the cells since a plurality of stored information is used to perform the actions recited in claim 6.

10. Claim 8 recites the limitation "cursor". There is insufficient antecedent basis for this limitation in the claim.

In order to examine the application in light of the prior art, the Examiner will assume that claim 8 depends from claim 7, which would give the claim sufficient antecedent basis.

11. Claim 8 recites the limitation "plurality of action buttons". There is insufficient antecedent basis for this limitation in the claim.

In order to examine the application in light of the prior art, the Examiner will assume that claim 8 depends from claim 7, which would give the claim sufficient antecedent basis.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-11 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Saxena et al. [US Patent 5 793 966 A].

Regarding claim 1, Saxena discloses a system for accessing and retrieving information on the internet comprising:

a data table comprising:

a plurality of columns, each of said columns being selectively definable by a column heading; and at least one row having a plurality of cells corresponding to said

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plurality of columns, said row for storing information defined by said plurality of column headings; [column 11, line 20-column 12, line 2, specifically column 11, lines 33-47]

a key phrase field for defining a desired search [column 11, lines 60-63]; and

a search unit for accessing information on the World Wide Web that matches the information in said key phrase field, and for storing said accessed information in said columns if the accessed information further corresponds to said column headings.

[column 8, lines 8-19; column 11, lines 40-47 and 60-63].

Claim 17 is also rejected since claim 17 contains the same limitations as recited in claim 1.

Regarding claim 2, Saxena discloses the system of claim 1, whereby each of said plurality of cells being activatable to perform at least one action related to said stored information within said cell. [column 11, lines 20-33 and 52-64; column 13, lines 20-44]

Claim 18 is rejected since claim 18 contains the same limitations as recited in claim 1.

Regarding claim 3, Saxena discloses the system of claim 2, whereby said stored information includes a phone number, and said at least one action comprises connecting the system with said phone number. [column 4, line 45-column 5, line 30; column 13, lines 20-44, specifically lines 37-44]

Regarding claim 4, Saxena discloses the system of claim 2 whereby said stored information includes a facsimile number, and said at least one action comprises sending

a facsimile to said facsimile number. [column 7, lines 23-48; column 13, lines 20-44, specifically lines 37-44]

Regarding claim 5, Saxena discloses the system of claim 2, whereby said stored information includes an e-mail address, and said at least one action comprises sending an e-mail to said e-mail address. [column 13, lines 20-44, specifically lines 37-44]

Regarding claim 6, Saxena discloses the system of claim 5, whereby said at least one action further comprises sending a facsimile to said e-mail address or providing a voice connection to said e-mail address. [column 1, lines 33-36; column 6, lines 59-64; column 7, line 66-column 8, line 5]

Regarding claim 7, Saxena discloses the system of claim 1, further including a cursor and an activity menu having a plurality of activity buttons; whereby each of said activity buttons defines an action related to said stored information within a cell. [column 11, lines 20-33 and 52-64; column 13, lines 20-44]

Regarding claim 8, Saxena discloses the system of claim 7, not claim 4 as assumed above, whereby said cursor highlights a cell and said plurality of action buttons change to reflect said stored information. [column 11, lines 21-64]

Regarding claim 9, Saxena discloses the system of claim 1, whereby each row includes a row heading. [column 11, line 20-column 12, line 2, specifically column 11, lines 33-47]

Regarding claim 10, Saxena discloses the system of claim 9, whereby said row headings and said column headings are interchangeable. [column 11, line 20-column 12, line 2, specifically column 11, lines 33-47]

Regarding claim 11, Saxena discloses the system of claim 1, further including a centralized database for storing information, whereby said system accesses and retrieves information within said database. [column 11, lines 40-47 and 60-63]

Claim 19 is rejected since claim 19 contains the same limitations as recited in claims 1 and 11 in combination.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saxena et al. [US Patent 6 259 449 B1] in view of Amstein et al [US 5 793 966 A].

Regarding claims 12-16, Saxena discloses the system of claim 11.

Saxena does not expressly disclose the system further including a website, for maintaining said centralized database; a plurality of databases, said plurality of databases being linked to said centralized database, whereby said system accesses



and retrieves information within said plurality of databases; an input unit, for inputting information into said centralized database; a verification unit, for verifying said input information, said verification unit further includes tagging means, for tagging all input information with the date of entry, time of entry and origin of said input information, however, Amstein discloses that these limitations are well known and used in the art [column 1, lines 15-48, specifically lines 24-29, 33-35, and 44-46; column 3, line 66- column 4, line 35; column 6, lines 36-55, specifically lines 52-55], therefore, one of ordinary skill in the art would have found it obvious to combine the teachings of these references to achieve the invention as claimed because one of ordinary skill would have been aware of and routinely used the well known subject matter.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5 930 474 A to Dunworth et al;

US Patent 5 787 440 A to Bakke et al;

US Patent 4 560 983 A to Williams;

US Patent 5 572 726 A to Hasuo;

US Patent 5 809 415 A to Rossmann;

The home page for "Dogpile.com", captured 16 January 1999, retrieved from  
<web.archive.org/web/19990116222229/http://www.dogpile.com/>.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is

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703-305-4565. The examiner can normally be reached on Mon-Fri 9am-5:30pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

gcn  
May 1, 2003



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
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